

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

BRENDA J. JONES,)	
)	
Plaintiff,)	
)	
v.)	CA No. 3:09cv81(JRS)
)	
TARGET STORE, INC.,)	
)	
Defendant.)	

Plaintiff's Motion for Leave to File First Amended Complaint

Plaintiff Brenda J. Jones ("Jones"), by counsel, and pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, moves this Court:

1. For leave to withdraw her Amended Complaint submitted to this Court on March 17, 2009 (Document 9-2); and
2. For leave to file her First Amended Complaint, which is attached to this Motion.

In support of this motion, as set forth more fully in her memorandum in support, Jones states as follows:

1. The original complaint and the Amended Complaint previously submitted contain factual errors now known to Jones as factual errors.
2. The original complaint has a misnomer with regard to the proper corporate name of Target Corporation, which the First Amended Complaint corrects.

3. The original complaint names as a defendant a person (Susan Haynes) who is not a proper defendant and also names a "Ms. Smith," a "John Doe" defendant about whom Jones has obtained no information and whom Jones desires to dismiss.

4. Instead of naming incorrect or unknown defendants, the First Amended Complaint names Gregory Anderson, who was the loss prevention employee of Target that investigated Jones' submission of a check to Target in March 2005 and who had interaction with the police officers who charged Jones with four criminal offenses.

5. The original complaint contained four causes of action; the Amended Complaint sets forth only one cause of action against Target and Anderson: malicious prosecution.

6. This Court, pursuant to a joint motion of the parties, has dismissed the three causes of action other than the cause of action for malicious prosecution.

7. Jones' First Amended Complaint correctly alleges that Anderson is a citizen of Virginia, correcting the incorrect allegation of Anderson's citizenship in the Amended Complaint, which was submitted but never filed and which Jones now seeks to withdraw.

8. Jones submits that this Court should grant her motion for leave to file her Amended Complaint in the interests of justice.

Defendant's Position With Regard to This Motion

Counsel for Target has advised counsel for Plaintiff that Target continues to object to the filing of the First Amended Complaint to the extent that it is adding Anderson as a party defendant.

Wherefore, Jones asks that this Court grant leave for her withdrawal of the Amended Complaint previously submitted (Document 9-2); grant leave for the filing of her First Amended Complaint; and order the filing of her First Amended Complaint, which is being submitted to this Court with this motion.

Jones also requests such other and further relief as is proper.

Dated this 2nd day of April, 2009.

Respectfully submitted,

BRENDA J. JONES, By Counsel.

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Certificate of Service

I certify that on this 2nd day of April, 2009, I will electronically file this Motion for Leave to File Amended Complaint with the Clerk of this Court using the CM/ECF system, which will then send a notification of such filing (NEF) to:

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